

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division

APAC-ATLANTIC, INC.

Plaintiff,

vs.

OWNERS INSURANCE COMPANY,

Defendant.

Case No. 1:23-cv-00167

NOTICE OF REMOVAL

Defendant, Owners Insurance Company (“Owners”), by and through Counsel, pursuant to 28 U.S.C. §§ 1332(a) and 1441, hereby gives notice of its removal of this action from Buncombe County Superior Court to the United States District Court for the Western District of North Carolina, Asheville Division, on the basis of diversity jurisdiction pursuant to 28 U.S.C. §§ 1332(a) and 1441. In support of this Notice of Removal, Auto-Owners states as follows:

1. Plaintiff commenced this action on May 23, 2023 by filing their Complaint in the Superior Court of Buncombe County, North Carolina, Civil Action No. 23-CVS-1992.
2. Copies of the Summons and Complaint filed in the State Court action are attached hereto as Exhibit A, and on information and belief constitute the only process, pleadings or orders served on Owners and filed to date with the State Court.
3. Plaintiffs served their Summons and Complaint on Owners via the Department of insurance on June 7, 2023.
4. This Notice of Removal is timely filed within thirty days of Owner’s receipt of the Summons and Complaint pursuant to 28 U.S.C. §1446(b).
5. This Court has diversity jurisdiction pursuant to 28 U.S.C. §1332(a) as this is a civil action between citizens of different states. At the time filing, Plaintiff is a corporate entity

organized and existing under the laws of the State of Delaware with a principal place of business in Georgia. Defendant, Owners is a corporate entity organized and existing under the laws of the State of Michigan with a principal place of business in Michigan.

6. The Complaint seeks recovery of compensatory damages, attorney's fees and other costs, and pre- and post-judgment interest. Based upon the allegations contained in the Plaintiff's Complaint, Owners believes that the Plaintiff is seeking to recover a sum in excess of \$75,000.00, thereby satisfying the jurisdictional amount in controversy.
7. In accordance with 28 U.S.C §1446(d), Owners is providing copies of this Notice of Removal to the Plaintiff and a copy of this Notice of Removal is being filed with the Clerk of Superior Court for Buncombe County, a copy of which is attached hereto as Exhibit C.

WHEREFORE, Defendant Owners Insurance Company, hereby removes the above-captioned action from the General Court of Justice, Superior Court Division, of Buncombe County, North Carolina to the United States District Court for the Western District of North Carolina, Asheville Division.

This, the 6th day of July, 2023.

/s/ Jeffrey S. Bolster

Jeffrey S. Bolster
N.C. State Bar No.: 20868
Bolster Rogers, PC
1213 W. Morehead Street, 5th Floor
Charlotte, North Carolina 28208
Telephone: 704-347-4884
Facsimile: 704-347-1087
jbolster@bolsterrogers.com
Attorney for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF System and I hereby certify that a copy of the foregoing document was served upon the person(s) listed below by depositing a copy of the same in an official depository of the U.S. Mail, First Class, in a postage-paid envelope and/or via e-mail.

J. Michael Malone
Hendren Redwine & Malone, PLLC
4600 Marriott Drive, Suite 150
Raleigh, NC 27612
mmalone@hendrenmalone.com

This, the 6th day of July, 2022.

/s/ Jeffrey S. Bolster
Jeffrey S. Bolster